

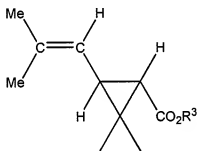
REMARKS

Claims 1-14 are pending, of which Claims 5-14 are withdrawn from consideration.

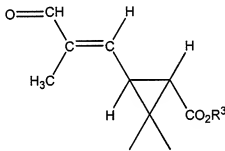
Referring to paragraph no. 6 of the Office Action, Claims 1, 3 and 4 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Elliot et al., JCS Perkin Trans. I, 1974, pp. 2470-74 ("Elliot") in view of Hoffman et al., J. Org. Chem. Vol. 27, July 1962, pp. 2687-89 ("Hoffman").

Applicant traverses and respectfully requests the Examiner to reconsider in view of the following remarks.

Elliot teaches compounds of the following structures (1) and (4):



(1)



(4)

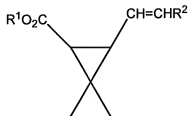
Elliot does not disclose a decarbonylation reaction in the presence of a palladium catalyst.

On the other hand, Hoffman teaches a decarbonylation reaction in the presence of a palladium catalyst of substituted cinnamaldehydes.

The Examiner takes the position that one of ordinary skill in the art looking for a method to make a (1-alkenyl)cyclopropane carboxylic ester represented by the instant formula (2), similarly represented by Elliot's structure (1) (as per the Examiner), from (2-formyl-1-alkenyl)cyclopropane, would have found it *prima facie* obvious to use the palladium catalyzed decarbonylation taught by Hoffman.

Applicant respectfully disagrees.

The (1-alkenyl)cyclopropane carboxylic ester represented by the instant formula (2) is the following compound:



The compound of instant formula (2) has two hydrogen atoms in the alkenyl group and is not similar to the compound represented by Elliot's structure (1) since the compound represented by Elliot's structure (1) does not have two hydrogen atoms in the alkenyl group.

Further, the compound of Elliot's structure (1) is not produced by the decarbonylation of the compound of Elliot's structure (4).

Elliot does not disclose or suggest the desired compound of the present claimed invention (that is, the compound of the instant formula (2)).

Accordingly, one of ordinary skill in the art at the time of the invention would not have been motivated (nor has the Examiner articulated any reasonable rationale) to use the palladium catalyzed decarbonylation taught by Hoffman in a method to make a (1-alkenyl)cyclopropane carboxylic ester represented by Elliot's structure (1) from (2-formyl-1-alkenyl)cyclopropane.

Thus, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness.

Furthermore, the yield of the compound of instant formula (2) is 56 to 96 % as is shown by the Examples of the present application.

In contrast, the yield of the product disclosed in Hoffman is 45 to 48 % (Method B). According to Hoffman, in Method B, the reaction mixture was distilled to remove product only

after decarbonylation was complete, and in Method A, the product was distilled as rapidly as possible after formation.

Accordingly, the superior results (yield) obtained by the present invention would have been unexpected to one of ordinary skill in the art in view of the disclosures of Hoffman and Elliot and, therefore, rebut any *prima facie* case of obviousness the Examiner could establish.

In view of the above, reconsideration and withdrawal of the Section 103 rejection of Claims 1, 3 and 4 based on Elliot and Hoffman are respectfully requested.

Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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